

[Submitting Counsel on Signature Page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: JUUL LABS, INC., MARKETING,
SALES PRACTICES, AND PRODUCTS
LIABILITY LITIGATION

Case No. 19-md-02913-WHO

**STIPULATION AND [PROPOSED]
ORDER TO AMEND TRIBAL CASE
SCHEDULE**

This Document Relates to:

Judge: Hon. William H. Orrick

*Cheyenne and Arapaho Tribes of Oklahoma v.
Juul Labs, Inc. et al.*, Case No. 3:21-cv-05134

*Fond Du Lac Band of Lake Superior
Chippewa v. Juul Labs, Inc., et al.*, Case No.
3:20-cv-03995

Klamath Tribes v. Juul Labs, Inc., et al., Case
No. 3:20-cv-03987

The parties jointly stipulate and agree, subject to the Court's approval, to amend certain deadlines applicable in the above-captioned cases.

WHEREAS on January 24, 2022, the Court entered an order outlining pretrial deadlines in the Tribal bellwether litigation. *See* Dkt. No. 2794 (adopting the parties' proposed tribal case schedule and bellwether selection process).

WHEREAS on July 28, 2022, the Court entered a further order outlining pretrial deadlines in the Tribal bellwether litigation. *See* Dkt. No. 3363 (adopting the parties' proposed amended schedule).

WHEREAS on February 14, 2023, the Court entered a further order outlining pretrial deadlines in the Tribal bellwether litigation. *See* Dkt. No. 3794 (adopting the parties' proposed amended schedule).

WHEREAS on April 20, 2023, the Court entered a further order outlining pretrial deadlines in the Tribal bellwether litigation. *See* Dkt. No. 3933 (adopting the parties' proposed amended schedule).

WHEREAS on May 19, 2023, the Court entered a further order outlining pretrial deadlines in the Tribal bellwether litigation. *See* Dkt. No. 4038 (adopting the parties' proposed amended schedule).

WHEREAS on July 20, 2023, the Court entered a further order outlining pretrial deadlines in the Tribal bellwether litigation. *See* Dkt. No. 4069 (adopting the parties' proposed amended schedule).

WHEREAS on September 19, 2023, the Court entered a further order outlining pretrial deadlines in the Tribal bellwether litigation. *See* Dkt. No. 4139 (adopting the parties' proposed amended schedule).

WHEREAS on November 17, 2023, the Court entered a further order outlining pretrial deadlines in the Tribal bellwether litigation. *See* Dkt. No. 4155 (adopting the parties' proposed amended schedule).

WHEREAS on December 8, 2023, the Court entered a further order outlining pretrial deadlines in the Tribal bellwether litigation. *See* Dkt. No. 4170 (adopting the parties' proposed amended schedule).

WHEREAS, in order to accommodate the schedules of the parties and deponents, the parties have met and conferred and, subject to the Court's approval, the parties jointly propose a revised schedule for the deadlines below.

WHEREAS, subject to the Court's approval, the parties state as follows:

1. The parties agree that the deposition of Plaintiffs' expert, Dr. Martin Kovach, will take place on March 18, 2024;
2. To accommodate Dr. Kovach's deposition, the parties propose an extension of the deadline for Defendants' expert report(s) to March 28, 2024.
3. The parties' proposed revised schedule of deadlines for the three tribal bellwether cases is as follows:

Event	Current deadline	Proposed deadline
Depositions of Plaintiffs' Experts	March 12, 2024	March 18, 2024

Event	Current deadline	Proposed deadline
Defendants' Expert Reports ¹	March 12, 2024	March 28, 2024
Depositions of Defendants' Experts	June 7, 2024	June 7, 2024
Deadline to file Summary Judgment and <i>Daubert</i> Motions	June 11, 2024	July 3, 2024
Deadline to file Oppositions to Summary Judgment and <i>Daubert</i> Motions	August 16, 2024	September 6, 2024
Deadline to file Replies in support of Summary Judgment and <i>Daubert</i> Motions	September 6, 2024	October 1, 2024

The parties therefore respectfully request that the Court enter an Order establishing the above deadlines.

Dated: February 20, 2024

Respectfully submitted,

By: /s/ Lauren S. Wulfe

John C. Massaro (*admitted pro hac vice*)

Jason A. Ross (*admitted pro hac vice*)

David E. Kouba (*admitted pro hac vice*)

ARNOLD & PORTER KAYE SCHOLER LLP

601 Massachusetts Ave., N.W.

Washington D.C. 20001

Telephone: (202) 942-5000

Facsimile: (202) 942-5999

john.massaro@arnoldporter.com

jason.ross@arnoldporter.com

david.kouba@arnoldporter.com

Paul W. Rodney (*admitted pro hac vice*)

ARNOLD & PORTER KAYE SCHOLER LLP

1144 15th Street, Suite 3100

Denver, CO 80202

Telephone: (303) 863-1000

Facsimile: (303) 832-0428

paul.rodney@arnoldporter.com

Lauren S. Wulfe (SBN 287592)

ARNOLD & PORTER KAYE SCHOLER LLP

777 South Figueroa Street, Forty-Fourth Floor

Los Angeles, California 90017

Telephone: (213) 243-4000

¹ Plaintiffs reserve their right to seek submission of rebuttal expert reports following submission of Defendants' expert reports. Defendants dispute that rebuttal expert reports would be appropriate, and reserve all rights to contest any attempt by Plaintiffs to seek their submission.

Facsimile: (213) 243-4199
lauren.wulfe@arnoldporter.com

Beth A. Wilkinson (*admitted pro hac vice*)
Brian L. Stekloff (*admitted pro hac vice*)
James M. Rosenthal (*pro hac vice*)
Matthew R. Skanchy (*pro hac vice*)

WILKINSON STEKLOFF LLP
2001 M Street NW, 10th Floor
Washington, DC 20036
Telephone: (202) 847-4000
bwilkinson@wilkinsonstekloff.com
bstekloff@wilkinsonstekloff.com
jrosenthal@wilkinsonstekloff.com
mskanchy@wilkinsonstekloff.com

Moir K. Penza (*admitted pro hac vice*)

WILKINSON STEKLOFF LLP
130 West 42nd Street, 24th Floor
New York, NY 10036
Telephone: (212) 294-8910
mpenza@wilkinsonstekloff.com

*Attorneys for Defendants Altria Group, Inc.,
Philip Morris USA Inc., Altria Client Services
LLC, Altria Group Distribution Company, and
Altria Enterprises LLC*

By: /s/ Sarah R. London

Sarah R. London
**LIEFF CABRASER HEIMANN &
BERNSTEIN**
275 Battery Street, Fl. 29
San Francisco, CA 94111
Telephone: (415) 956-1000
slondon@lchb.com

By: /s/ Dena Sharp

Dena C. Sharp
GIRARD SHARP LLP
601 California St., Suite 1400
San Francisco, CA 94108
dsharp@girardsharp.com

1 By: /s/ Dean Kawamoto
2 Dean Kawamoto
3 **KELLER ROHRBACK L.L.P.**
4 1201 Third Ave., Ste. 3200
5 Seattle, WA 98101
6 Telephone: (206) 623-1900
7 dkawamoto@kellerrohrback.com

8 By: /s/ Ellen Relkin
9 Ellen Relkin
10 **WEITZ & LUXENBERG**
11 700 Broadway
12 New York, NY 10003
13 Telephone: (212) 558-5500
14 erelkin@weitzlux.com

15 *Co-Lead Counsel for Plaintiffs*

16 By: /s/ Geoffrey Strommer
17 **Geoffrey D. Strommer**
18 **HOBBS, STRAUS, DEAN & WALKER, LLP**
19 215 SW Washington Street, Suite 200
20 Portland, OR 97204
21 Tel: (503) 242-1745
22 gstrommer@hobbsstrauss.com

23 *Liaison Tribal Counsel*
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: JUUL LABS, INC., MARKETING,
 SALES PRACTICES, AND PRODUCTS
 LIABILITY LITIGATION

Case No. 19-md-02913-WHO

**[PROPOSED] ORDER TO AMEND
 TRIBAL SCHEDULE**

This Document Relates to:

Judge: Hon. William H. Orrick

*Cheyenne and Arapaho Tribes of Oklahoma v.
 Juul Labs, Inc. et al.*, Case No. 3:21-cv-05134.

*Fond Du Lac Band of Lake Superior
 Chippewa v. Juul Labs, Inc., et al.*, Case No.
 3:20-cv-03995

Klamath Tribes v. Juul Labs, Inc., et al., Case
 No. 3:20-cv-03987

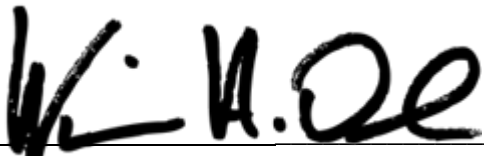
The Court hereby adopts the Parties' stipulations regarding deadlines in the above-referenced tribal bellwether cases as follows:

1. In all tribal bellwether cases, the deadlines will be extended as follows:

Event	Current deadline	Proposed deadline
Depositions of Plaintiffs' Experts	March 12, 2024	March 18, 2024

Event	Current deadline	Proposed deadline
Defendants' Expert Reports ¹	March 12, 2024	March 28, 2024
Depositions of Defendants' Experts	June 7, 2024	June 7, 2024
Deadline to file Summary Judgment and <i>Daubert</i> Motions	June 11, 2024	July 3, 2024
Deadline to file Oppositions to Summary Judgment and <i>Daubert</i> Motions	August 16, 2024	September 6, 2024
Deadline to file Replies in support of Summary Judgment and <i>Daubert</i> Motions	September 6, 2024	October 1, 2024

Date: February 20, 2024



HONORABLE WILLIAM H. ORRICK
United States District Judge

¹ Plaintiffs reserve their right to seek submission of rebuttal expert reports following submission of Defendants' expert reports. Defendants dispute that rebuttal expert reports would be appropriate, and reserve all rights to contest any attempt by Plaintiffs to seek their submission.

CERTIFICATE OF SERVICE

I hereby certify that on February 20, 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will automatically send notification of the filing to all counsel of record.

By: /s/ Lauren S. Wulfe
Lauren S. Wulfe (SBN 287592)
ARNOLD & PORTER KAYE SCHOLER LLP
777 South Figueroa Street, Forty-Fourth Floor
Los Angeles, California 90017
Telephone: (213) 243-4000
Facsimile: (213) 243-4199
lauren.wulfe@arnoldporter.com